

Environmental Protection Agency

§ 91.803

Service by the end of the period of conditional admission is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations.

§ 91.706 Treatment of confidential information.

The provisions for treatment of confidential information as described in § 91.7 apply.

Subpart I—In-Use Testing and Recall Regulations

§ 91.801 Applicability.

The requirements of subpart I are applicable to all marine SI engines subject to the provisions of subpart A of part 91.

(a) Marine engines subject to provisions of subpart B of this part are subject to recall regulations specified in 40 CFR part 85, subpart S, except for the items set forth in this subsection.

(b) Reference to section 214 of the Clean Air Act in 40 CFR 85.1801(a) does not apply. Reference to section 216 of the Clean Air Act does apply.

(c) Reference to section 202 of the Act in 40 CFR 85.1802(a) does not apply. Reference to section 213 of the Act does apply.

(d) Reference to “family particulate emission limits as defined in Part 86 promulgated under section 202 of the Act” in 40 CFR 85.1803(a) and 85.1805(a)(1) does not apply. Family emission limits as defined in 40 CFR part 89 promulgated under section 213 of the Act does apply.

(e) Add the following paragraph to 40 CFR 85.1805 (a)(9): A telephone number provided by the manufacturer, which may be used to report difficulty in obtaining recall repairs.

(f) The requirements of the Manufacturer In-use testing program set forth in §§ 91.803 through 91.805 are waived for existing technology OB/PWC as defined in § 91.3 through model year 2003.

(1) The Administrator has the discretion to waive the requirements of the Manufacturer In-use testing program set forth in sections 91.803 through 91.805 for existing technology OB/PWC for a specific engine family up to model year 2005 if, upon the request of the manufacturer, the Administrator de-

termines that the engine family will be phased out of U.S. production by model year 2005. As a condition to receiving such a waiver for either model year 2004 or 2005 or both, the manufacturer must discontinue U.S. production according to the schedule upon which the Administrator based the waiver. Failure to do so by the manufacturer will void *ab initio* the certificate of conformity.

(2) A manufacturer request under paragraph (f)(1) of this section must be in writing and must apply to a specific engine family. The request must identify the engine family designation, the schedule for phasing the engine family out of U.S. production, and any other information the Administrator may require.

§ 91.802 Definitions.

(a) For the purposes of this subpart, except as otherwise provided, the definitions in subpart A of this part apply to this subpart.

(b) The definitions of 40 CFR Part 85, subpart S, § 85.1801 also apply to this Part.

§ 91.803 Manufacturer in-use testing program.

(a) EPA shall annually identify engine families and those configurations within families which the manufacturers must then subject to in-use testing. For each model year, EPA may identify the following number of engine families for testing, based on the number of the manufacturer's engine families to which this subpart is applicable produced in that model year:

(1) For manufactures with three or fewer engine families, EPA may identify a single engine family.

(2) For manufacturers with four or more engine families, EPA may identify a number of engine families that is no greater than twenty-five percent of the number of engine families to which this subpart is applicable that are produced by the manufacturer in that model year.

(b) For each engine family identified by EPA, engine manufacturers shall perform emission testing of an appropriate sample of in-use engines from each engine family. Manufacturers